

MESSAGE NO: 3357310 MESSAGE DATE: 12/23/2013

MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: OTH-Other PUBLIC ☒ NON-PUBLIC ☐  
SUB-TYPE:

FR CITE: 78 FR 76104 FR CITE DATE: 12/16/2013

REFERENCE 1168307, 1172303, 1196309  
MESSAGE #  
(s):

CASE #(s): A-588-201

EFFECTIVE DATE: 11/29/2013 COURT CASE #: 06-00334

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Ball Bearings and Parts Thereof from Japan: Resumption of the Collection of Cash Deposits (A-588-201)

1. Effective 07/16/2011, Commerce revoked the antidumping duty order on ball bearings and parts thereof from Japan (A-588-201) as a result of the Court of International Trade's (CIT) final decision in *NSK Corp. v. United States*, Consol. Court No. 06-00334, Slip Op. 11-43 (CIT April 20, 2011) (NSK). See Commerce's notice of revocation, 76 FR 41761, dated 07/15/2011.

2. Although Commerce revoked the antidumping duty order, in accordance with the decision of the United States Court of Appeals for the Federal Circuit (CAFC) in *Timken Co. v. United States*, 893 F.2d 337, 341 (CAFC 1990), (see message numbers 1168307 dated 06/17/11 and 1172303 dated 06/21/2011), Commerce instructed CBP to suspend liquidation of all entries of subject merchandise from Japan entered, or withdrawn from warehouse, for consumption on or after 07/11/2005 that remain unliquidated and not deemed liquidated as of 04/30/2011 until all appeals in the NSK case were concluded and a final and conclusive decision was reached. See message number 1196309, dated 07/15/2011.

3. On 05/16/2013 the CAFC reversed the CIT's 04/20/2011 decision in NSK and remanded to the CIT. See *NSK Corp. v. ITC*, 2011-1362, -1382, -1383, -1454 (CAFC May 16, 2013).

4. Effective 11/29/2013, Commerce reinstated the antidumping duty order on ball bearings and parts thereof as a result of the CIT's final decision in *NSK Corp. v. United States Int'l Trade Comm'n*, Consol. Court No. 06-00334, Slip Op. 13-143 (CIT November 18, 2013). See 78 FR 76104, dated 12/16/2013.

5. Pursuant to message numbers 1168307, 1172303, and 1196309, for entries of ball bearings and parts thereof from Japan which were entered, or withdrawn from warehouse, for consumption on or after 07/11/2005 that remain unliquidated and not deemed liquidated as of 04/30/2011, CBP is instructed to continue the suspension of liquidation of such entries.

6. Additionally, CBP is instructed to resume the collection of cash deposits for entries made on or after 11/29/2013 at the rates in effect on 07/15/2011, the day before revocation of the order. The

current cash deposit rates can be found in ACE in the AD/CVD case reference module.

7. These cash deposit requirements shall remain in effect until further notice. Do not liquidate any entries of merchandise covered by paragraph 5 until assessment instructions are received.

8. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by OI:SD)

9. There are no restrictions on the release of this information.

Michael B. Walsh

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party